

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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RONALD VICKERY,

Case No. 18-CV-0136 (DSD/SER)

Plaintiff,

v.

**REPORT AND RECOMMENDATION**

CITY OF WINONA, Minnesota;  
ANTHONY WURST; STEPHEN  
SARVI, City Manager; DOUG  
CICHOSZ; COREY LEIGHTON; PAUL  
ANDERSON; DEREK LANNING;  
MIKE FLAHERTY; and PAUL  
BOSTRACK, City Police Chief,

Defendants.

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In an order dated March 12, 2018, this Court reviewed plaintiff Ronald Vickery's complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) and noted that the complaint was insufficiently clear about the specific legal claims being raised to state a claim upon which relief may be granted. *See* ECF No. 7. Vickery was given until April 6, 2018 to file an amended complaint, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

That deadline passed, and Vickery has not filed an amended complaint as previously ordered. In fact, Vickery has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267

Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

#### RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED that this action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: April 24, 2018

s/ Steven E. Rau

Steven E. Rau  
U.S. Magistrate Judge

#### NOTICE

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).